

**REMARKS****Status of Claims**

Claims 1 to 4 have been rejected under 35 USC 103(a) for obviousness over Huusko (US 6,397,065) in view of "Research Activities on UMTS Radio Interface, Network Architectures, and Planning (IEEE 1988) by Berruto et al (hereinafter "Berruto")".

A minor amendment to claim 1 has been made for grammatical consistency. The scope of the claim is not substantially affected. A corresponding amendment has been made to each of the other claims on the same basis.

**Claim 1**

Neither Huusko nor Berruto disclose the idea of a 2G radio access network selecting between a 2G core network and a 3G core network dependent upon whether the terminal is 3G capable (in particular connectable to a 3G radio access network).

The Examiner contends that the feature of "the radio access network switches packet transmissions from each terminal to one of the at least two core networks dependent on the terminal's capabilities" which relate to the claim 1 feature "2G radio access network switches packet transmissions from each terminal in the location area to one of the core networks dependent on the terminal's capabilities" is known from Huusko column 1 lines 57-63. However, that cited passage states merely:

"Accordingly, the UMTS access network must be capable of providing support to various core networks, also those evolving in the future. Likewise, UMTS access networks should permit connection of various radio interfaces to a core network (narrow-band, broadband, CDMA, TDMA, etc). Several service providers SP2 to SP5 providing dif-"

The idea of switching dependent on the terminal's capabilities is not disclosed in this passage, nor in Huusko more generally.

More generally, Huusko teaches using information in a Location Area Update, LAU, message (Huusko column 3 lines 18-28) to distribute the update message to several core networks so as to avoid having the subscriber terminal repeating the LAU message for each core network (see also Huusko Abstract).

The idea of a 2G radio access network switching between 2G and 3G core networks dependent on the terminal's capabilities is also not taught by Berruto. Berruto Fig.5 appears to disclose a GSM BSS (which relates to a 2G Radio Access Network) connected to the 2G core network port only (GSM MSC, GSM GPRS (SGSN) of a combined GSM-UMTS core network. It follows that the rejections under 35 USC 103(a) fall away.

The present invention is contrary to the teaching of Berruto which teaches separate 2G and 3G radio access networks for access to corresponding core networks; See figure 4 of Berruto where a dual mode "GSM/UMTS mobile terminal" is shown connected to both a UMTS (3G) radio access network and a GSM BSS (a 2G radio access network).

Berruto alternatively teaches a UMTS (3G) generic radio access network, see its figure 6 and 8. This radio access network connects to various types of core network (GSM, N/B-ISDN, Internet, UMTS) dependent on the type of service to be provided (see page 89 section entitled "The Generic Radio Access Network, especially right hand column lines 23-30). This does not teach or suggest the present invention which relates to how to enable a dual mode terminal to take advantage of 3G functionality when in a location area served by only a 2G radio access network.

### **Dependent claims 2 to 3**

Dependent claims 2 to 3 are patentable not least on the basis that they each depend on an allowable independent base claim 1.

As regards claim 3, column 3 lines 24 to 28 states:

"to another. On the basis of the information contained in the location updating message, the radio access network or the core network supporting said services determines the mobility

managements, i.e the core networks or services, and/or location areas to which the location updating applies.

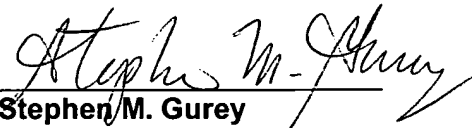
This passage does not appear to teach that the radio access network switches packet transmissions from each terminal to one of the core networks in dependence on the identity of the cell in which the terminal is connected.

### **Conclusion**

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicants' attorney, **Jimmy Goo**, at 908-582-7886.

Respectfully submitted,

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